

The Court entered a scheduling order on August 15, 2017, requiring the parties to file their motions for summary judgment by October 16, 2017 and December 13, 2017. On October 12, 2017, the undersigned granted Plaintiff's consent "Motion To Reset Deadlines" (Document No. 11), allowing summary judgment motions to be filed by November 10, 2017 and January 10, 2018.

Plaintiff Edwards then filed the pending “Motion To Dismiss ...” (Document No. 13) on November 10, 2012. Plaintiff now seeks to voluntarily dismiss this action pursuant to Fed.R.Civ.P. 41(a)(2). (Document No. 13). Defendant has declined to file a response to the motion, and the time to do so has lapsed. This motion is now ripe for review and a recommendation to the Honorable Graham C. Mullen is appropriate.

Based on Plaintiff’s motion and cited authority, as well as Defendant’s failure to file a timely response, the undersigned finds good cause to recommend that the motion be granted.

### **RECOMMENDATION**

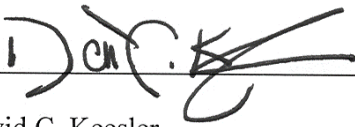
**FOR THE FOREGOING REASONS**, the undersigned respectfully recommends that Plaintiff’s “Motion To Dismiss Civil Action, Pursuant To Rule 41(a)(2) Federal Rules Of Civil Procedure” (Document No. 13) be **GRANTED**.

### **TIME FOR OBJECTIONS**

The parties are hereby advised that pursuant to 28 U.S.C. § 636(b)(1)(C), and Rule 72 of the Federal Rules of Civil Procedure, written objections to the proposed findings of fact, conclusions of law, and recommendation contained herein may be filed within **fourteen (14) days** of service of same. Responses to objections may be filed within fourteen (14) days after service of the objections. Fed.R.Civ.P. 72(b)(2). Failure to file objections to this Memorandum and Recommendation with the District Court constitutes a waiver of the right to *de novo* review by the District Court. Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4th Cir. 2005). Moreover, failure to file timely objections will preclude the parties from raising such objections on appeal. Diamond, 416 F.3d at 316; Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003); Snyder v. Ridenhour, 889 F.2d 1363, 1365 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140, 147-48 (1985), reh’g denied, 474 U.S. 1111 (1986).

**IT IS SO RECOMMENDED.**

Signed: December 8, 2017

  
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David C. Keesler  
United States Magistrate Judge

